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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,115	02/28/2005	Juha Kaario	915-008.031	8532
4955 7590 01/23/2009 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER				
NGUYEN, VAN KIM T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/526,115

**Applicant(s)**

KAARIO ET AL.

**Examiner**

Van Kim T. Nguyen

**Art Unit**

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is responsive to communications filed on September 29, 2008. New claims 15-16 have been added, thus claims 1-16 are presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed September 29, 2008 have been fully considered but they are not persuasive.

Regarding claim 1, in response to Applicant's argument that "Hoshino does not disclose initiating transmission of a multimedia message, the message comprising a multimedia object, where tag information is associated with that multimedia object," see page 8: lines 12-14. Examiner respectfully disagrees. Hoshino discloses initiating transmission of a multimedia message, the message comprising a multimedia object, where tag information is associated with that multimedia object (e.g., tag information of object 5, including image of object 5, is transmitted to portable terminal 1; See Figures 6-7, ¶[0065-00-0077]).

Similarly, regarding claim 2, Hoshino discloses the portable terminal 1 further includes the ID reading antenna 21, the ID reading portion 19 and video camera 18 for reading tag information from ID tag 6 (¶[0047]). Thus it is anticipated the tag information contain a picture, which is associated with the tag information.

Regarding claim 4, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., there is a database stored in the a portable digital device, where this database stores the multimedia object which is associated with the tag information read from a radio frequency

identification tag, see page 9: lines 17-19, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 10, Hoshino also discloses display the multimedia object before transmitting the message (e.g., display tag information of article 5 on the portable terminal 1 before transmitting the message; ¶[0040]).

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-8, 10-12, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoshino et al (US 2003/0095032), hereinafter Hoshino.

Regarding claim 1, Hoshino discloses a method comprising:

emitting an interrogating radio signal in order to stimulate an external radio frequency identification (RFID) transponder tag to emit a response signal, which includes tag information associated with multimedia object (e.g., portable terminal 1 outputs a radio wave toward the RF-ID tag 6. When the ID tag 6 receives the radio wave, it transmits tag information associated to article 5 including screen image, trade name, maker name, and features such as ingredient, material or color, etc., to portable terminal 1; Figures 1, and 6-7; ¶[0035-0038], [0047-0048] and [0070-0071]);

receiving the response signal, which includes tag information, associated with a multimedia object (e.g., portable terminal 1 receives the tag information associated to article/item 5; Figures 1-7, ¶[0036-0037], [0064-0065] and [0070-0071]);

initiating the transmission of a multimedia message (e.g., database 3a sent item information to the portable terminal 1; Figures 1-7, ¶[0041-0042]); and

providing the tag information into the multimedia message (¶[0043-45]).

Claims 8, 11-12, and 14-16 are rejected under the same basis.

Regarding claim 2, Hoshino also discloses the tag information includes the multimedia object (e.g., ID tag 6 of item 5, item screen 30; Figures 6- 7, ¶[0038], [0064-0065], and [0070-0071]).

Regarding claim 3, Hoshino also discloses the user is prompted to accept or reject the inclusion of the multimedia object into the message (e.g., user chooses “get” or “end” from item menu to read or release tag reading mode; Figures 6-7, ¶[0066]).

Regarding claim 4, Hoshino also discloses the tag information is a link to the multimedia object, which is stored in a database (e.g., tag information including inquiry URL stored in maker database 3a; Figure 2, ¶[0039-0041]).

Regarding claim 5, Hoshino also discloses the database is stored in the portable, digital device (e.g., storage portion 17; Figure 3, ¶[0048]).

Regarding claim 6, Hoshino also discloses the database is stored in a node in a mobile communication system, where the portable, digital device is registered (Figure 1).

Regarding claim 7, Hoshino also discloses the database is stored in an internet server, which is accessible for a node in a mobile communication system, where the portable, digital device is registered (Figure 1).

Regarding claim 10, Hoshino also discloses display the multimedia object before transmitting the message (e.g., display tag information of article 5 on the portable terminal 1 before transmitting the message; ¶[0040]).

5. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshino, as applied to claim 8 above, in view of Brady et al (US 6,249,227).

Hoshino also discloses a keyboard (e.g., operation portion 13; Figure 4A, B, C), and the response signal indicating the portable digital device resides within a predetermined range from the RFID-transponder (e.g., radio wave transmitting/tag information receiving range; ¶0064).

However, Hoshino does not call for a key-lock functionality, and means for activating the key-lock functionality.

Barvesten teaches a key-lock functionality, and means for activating the key-lock functionality (e.g., set the state of the lock-unlock bit to either activate or de-activate RFID function, col. 2: line 66 – col. 3: line 7 and col. 7: lines 22–48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Brady's method of tracking assets in Hoshino's system in order to better manage and track electronic assets.

### ***Conclusion***

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen  
Examiner  
Art Unit 2456

vkx

/Ashok B. Patel/

Primary Examiner, Art Unit 2456